IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.845 OF 2007

Belle International. ..Petitioner.

V/s.

Agron India Pvt.Ltd. ..Respondent.

Mr.Anant C. Singh for petitioner.

None for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 14, 2007.

P.C. :

1. None appears for the Respondent though served. No reply has been filed to oppose this Petition.

2. The Petitioner's claim is based on goods sold, delivered and supplied as per the Purchase Order placed by the Respondent. Value of the goods supplied is stated to be Rs.2,43,000/- The goods were supplied in November, 2006, which position is established from the invoice placed on record. It is the case of the Petitioner that the Respondent did not raise any dispute regarding quality, quantity and or price of the goods supplied. Besides, the Respondent paid only part payment in the sum of

Rs.1,43,000/- to the Petitioner and remained in arrears to the extent of Rs.One Lakh against the subject invoice. Inspite of the repeated reminders, including the Statutory notice served upon the Respondent, Respondent has failed and neglected to pay the outstanding amount of Rs. One Lakh. Moreover, the Respondent has been served with the present Petition, but has not bothered to appear before the Court or to controvert the case made out by the Petitioner. In the circumstances, I have no hesitation in taking the view that the Respondent is liable to pay balance sum of Rs.One Lakh to the Petitioner and has failed and neglected to make that payment. In the circumstances, the only option is to admit the Petition. I proceed to pass following conditional Order.

3. The Respondent shall pay sum of Rs.One Lakh to the Petitioner within six weeks from the intimation of this Order to Respondent.

4. In the event, the Respondent fails to pay sum of Rs.One Lakh within the specified time, this Petition would stand admitted and the Petitioner will be free to issue advertisement of admission of petition.

5. After six weeks from intimation, in case the Petition stands admitted as aforesaid, the Petitioner shall advertise the Petition in two local newspapers, namely, "Free Press Journal", "Navshakti" and in the Maharashtra Government Gazette. The Petitioner shall deposit an amount of Rs.10,000/- with the Prothonotary & Senior Master towards the publication charges, after six weeks from intimation to the Respondent and within three weeks from the date of prospective admission of the Company Petition in view of this conditional order, with intimation to the Company Registrar, failing which the Petition shall stand dismissed for non-prosecution.

(A.M.KHANWILKAR,J)